

1896-055 Chancery Causes: F. T. Young for & vs. Nelson Lunsford &
Lee Co.

Nickels, W. H. Nickels & son

CA-Debt

T-Property

Virginia, Lee County Circuit Court:

To the Hon. W. T. Miller, Judge of said Circuit Court in Chancery.

Your orator, F. T. Young, complaining, sheweth unto the Court, that on the 16th day of June, 1894, in an action pending in the Circuit Court of said county, in which he was plaintiff, suing for the use of W. H. Nickels and William Nickels, who were doing business as merchants under the style and firm name of W. H. Nickels & Son, he obtained a judgment against Nelson Lunsford and Catherine Lunsford for the sum of \$208.44, with legal interest thereon from the 13th day of Oct., 1891, till paid, and \$8.56, the costs of suit, which judgment is subject to a credit of \$26.34, as of Nov 13, 1891.

Said judgment was rendered on a promissory note executed for the said sum of \$208.44, and in which the homestead and exemption under the laws were waived.

On the 26th day of June, 1894, a writ of fieri facias was duly issued from the Clerk's office of said Court and placed in the hands of L. M. Wade, a deputy sheriff of said County, who made the following return

thereon: Not executed, No property found
this Aug. the 18th, 1894, L. M. Wade, D. S. for
C. E. Flannery, S. L. C.

Said judgment on the 5th day of
July, 1894, was duly docketed on the
judgment lien docket in the clerk's
office of the County Court of said
Lee County, and the same and
every part thereof remains due
and unpaid.

Your orator further shows that the
said Catherine Lunsford is the owner
in fee simple of a tract or parcel
of land lying in Gokum Station
magisterial district in said County,
in that section known as the Wild
Cat, and adjoins the lands of M. B.
Wood, the Bill Ward land, and
others, and is estimated to contain
forty-five acres, more or less.

The rents and profits of said
land will not pay said judgment
in five years, with the interest and
the costs of this suit.

Complainant brings this suit in behalf
of himself and for the use of the said
W. H. Nickels & Son, and such other cred-
itors of the said Nelson Lunsford
and Catherine Lunsford, as may

come in and make themselves parties thereto under the rules of the Court, but your orator is advised that he is the only creditor of the said Nelson and Catherine Lunsford having the right to subject said land to the satisfaction of his debt.

The premises considered, Complainant prays that the said Nelson Lunsford and Catherine Lunsford be made parties defendant to this bill and be required to answer the same fully and under their corporal oaths, according to the best of their knowledge and belief; that said land, or so much thereof as may be necessary, be sold to satisfy said judgment, and for such other, further, different and general relief that in equity and good conscience he may be entitled to. May Spc. issue. And he will ever pray &c.

Coleman & Lewis,
P. Q.

Plffs Costs to Nov 7/89

C 8.04
S 2.50
Comm 47.50 - Paid
atly 15.00 = Paid
Estimated 6.00
Tot. 1.50, Paid
\$80.54

C. H.

F. T. Young for VC.

vs. { Bill in Chy.

Nelson Lunsford
& Catherine Lunsford

1894 1st October rules
Decd filed sums &c
+ Decree nisi

" 2nd October rules Decree
Nisi confirmed
+ Cause set for hearing
by Plaintiff

" Nov Term Decree contd
1895 March " " "

" June " " "
" Nov Decree for
Sale contd.

F. T. Young for &c.

^{vs}
Nelson & Catherine Lunsford } In Chy.

This cause came on again this day to be further heard upon the papers formerly read therein and the report of Court. A. M. Lewis, filed Feb. 1st, 1896, and was argued by counsel. On consideration of all which and for reasons appearing to the court said report is hereby confirmed as the proper action to have been taken by said Court in this cause. And it appearing from said report that the matters in controversy in this suit have been settled, and there being no further object in this litigation, this suit is accordingly stricken from the docket.

—//—

F. T. Young for &c
vs { Decree Final

Nelson & Catherine
Lunsford.

Q.B. O. 322

Enter this decree,
this March 3, 1896.
W. J. M.

J. J. Young for & C.

vs.

Nelson & Catherine Lunsford

} In Cty.

This cause came on again this day to be heard upon the papers formerly read therein and the report of Special Commissioner M. G. Ely filed therein Oct. 7, 1895, and exceptions thereto, and was argued by counsel. On consideration of all which and for reasons appearing to the court, said exception is sustained as to the judgment therein reported by said Commissioner in favor of Walden & Ward, which judgment is stricken out of the list of liens reported by said Commissioner and overruled as to the residue, and said report and statement therewith with the exception of said Walden & Ward's claim is hereby confirmed. And it is further adjudged, ordered and decreed that John M. Johnson recover of Catherine Lunsford the sum of \$587.61, with legal interest on \$521.86, ^{Apr. 10, 1895} a part thereof from ~~Sept. 10, 1892~~.

till paid; That the Southwest
Virginia Mineral Land Co. recov-
er from said Catherine Lunsford
the sum of \$44.47, without interest;
That F. J. Young for the benefit of
H. H. & Wm Nickels recover from
said Catherine Lunsford the sum
of \$267.96, with legal interest
on \$208.44, from Nov 10, 1895,
till paid; That H. H. Nickles & Son
recover from said Catherine
Lunsford the sum of \$63.57, with
legal interest on \$47.53, a part
thereof from Nov 10, 1895, till
paid; That W. B. Nickles & Co.
recover from said Catherine
Lunsford the sum of \$50.29,
with legal interest on \$34.14,
a part thereof from Nov. 10, 1895,
till paid; and that Sylvia
Legg recover from said Catherine
Lunsford the sum of \$87.25;
with legal interest on \$77.50,
a part thereof from Nov 10, 1895,
till paid. And that said plff.
recover from said Catherine
Lunsford the costs of this suit,
And if said several sums as

above set out be not paid
by the said Catherine Lunsford
~~be not paid~~ within 30 days
from the going down of this
decree, then A. M. Goins, who
is hereby appointed a Special
Commr. for the purpose, will,
after advertising the time, terms
and place of sale for 30 days,
by written or printed notices, posted
at the front door of the Court house
of this county, and in the neigh-
borhood of said land, and at
such other places as he may
think proper, on some court
day, at the front door of the Court
house of this county, expose to
sale, at public outcry, the lands
of said Catherine Lunsford as re-
ported to belong to her by said
Commr. Ely. Said Commr. Goins will
sell first, the tract of land belong-
ing to said Catherine Lunsford, known
as the Ward Mill property, and
out of the proceeds thereof pay,
first the debt of trust reported
by Commr. Ely in favor of John M.
Johnson, and the residue of the
proceeds of the sale of this property

He will apply to the judgment
liens as a bove set out, and in
the order of priority as reported by
said Cour. Ely. Said Cour. Goins
will sell second, the tract of land
belonging to said Catherine Luns-
ford, known as the mountain tract,
and out of the proceeds of this sale
he will pay the residue of the
above indebtedness which is a
lien thereon and not already
discharged by the application
of the funds arising from the
sale of the first above tract, known
as the Ward Mill property. And
all the funds arising from the
sale of these two tracts, remain-
ing in said Cour. Goins' hands,
if any thing there be, after after
fully discharging the above in-
debtedness which is ascertained
to be liens thereon, and the
costs of this suit, he will pay
over to the said Catherine Lunsford.
Said Cour. Goins will sell said
lands on a credit of one and
two years time, except a sum
sufficient to pay the costs of this

suit and the commissions of sale, which sums he will require to be paid in hand, and for the deferred payments- he will take bonds payable to himself as said Court, with interest from the date of sale, with good and approved personal security.

Said Court, going before entering upon the duties assigned him by this decree, will execute bond before the clerk of this court in the penal sum of \$1600⁰⁰/₁₀₀, conditioned for the faithful performance of his duty as such Court, and to account for all moneys that may come into his hands as Court in this cause. He will report his actions to a future term of this court, and this cause is continued.

F. J. Young for & C.

vs } Decree for Sale
of Land.

Nelson & Catherine Luns.

Lords

Enter this decree

this Nov. 11, 1895

W J M

F. J. Young for & C.

vs
Helson & Catherine Lunsford } In Chy.

This cause came on this day to be heard upon the papers formerly read therein and the report of Comr. M. G. Ely, filed Feb. 21, 1895; and exceptions thereto; and was argued by counsel. On consideration of all which and for reasons appearing to the court, exceptions one and two are sustained and exceptions three and four are overruled, except as to that part of exception four which refers to the deed of trust, which is sustained. It is therefore adjudged, ordered and decreed that said report be recommended to said Comr. Ely, who will ascertain and report to this court at its next term the matters referred to him by the decree entered herein on the 17th day of Nov., 1894. Said Comr. will give notice of the time and place of his sitting for at least 10 days prior thereto by posting a written or printed notice thereof at the Court House door, and by giving legal

notice to the depts. Said Commr. will
also report where the deed of trust
reported by him in his former
report is recorded, if recorded at
all, what lands it covers, whether
said land is situated in this
county, whether any or all of
said trust deed has been paid.
Said Commr. will report his ac-
tion to this court at its next
term, and this cause is contin-
ued.

C. H.

J. J. Young for etc

vs } Deceit

Nelson & Catherine

Linsford

O. A. Page 177

Enter this.

March 13, 1895

W. J. M.

F. T. Young for & C.

v s.

} In Chy.

Nelson & Catherine Lunsford }

Upon the calling of this cause it was suggested that since the institution of this suit the complainant, F. T. Young, has departed this life intestate, and that his estate has been committed to C. E. Flanary, Sheriff &c, for administration, And on the motion of said Flanary, Sheriff and Administrator as aforesaid, said cause is revived in his ~~name~~, in which name it will hereafter be prosecuted to a conclusion. And thereupon this cause came on this day to be heard upon the bill of the Complainant and exhibits therewith filed, and was argued by counsel. On consideration of all which, and it appearing to the satisfaction of the court that the defendants, Nelson Lunsford and Catherine Lunsford, are properly before the court by service of process for more than 15 days before the regular calling of this cause on the docket.

and said defendants, and each of them, having failed to appear and plead, answer, demur, or otherwise make defense, within the time allowed by law and the rules of this court, therefore, upon motion of the Compt. by counsel, it is ordered, adjudged and decreed, that judgment pro confesso be and the same is hereby taken and entered against them, and the cause set for hearing ex parte.

And it appearing to the satisfaction of the court that this is a proper case for a reference to a commissioner, it is therefore ordered, adjudged and decreed that M. G. Ely be and is hereby appointed a Special Comr., who will take, state, ascertain and report to this court:-

1st What liens, if any, exist against the lands of the said Catherine Lunsford, and the beneficiaries therein and the priorities of said liens if any exist.

2nd What real estate the said Catherine Lunsford owns and whether the rental value thereof will pay, in five years, all liens encumbering the same.

Said Court. will report his action to the next term of this court. And this cause is continued.

—//—

F. T. Young for &c

vs } Decree

Nelson & Catherine

Lunsford

Entered in lly.

Ord. Page 192

Enter this decree,

this 17 Nov. 1894

W. J. M.

L. J. Young
of Copy of Deere

Nelson Simsford & Co

Executed Feb. the 5. 1895.
By delivering an office
copy of the within
Deere to M. G. Ely

C. C. Flanagan S. L. C.

\$100
Serve Copy on
M. G. Ely Comr.

Virginia

at a circuit continued and held for Lee County at the Courthouse thereof on Saturday November 17th 1894.

F. F. Young for &c
against
Nelson & Catherine Lunsford } In Chancery

Upon the Calling of this Cause it was suggested that since the institution of this Suit the Complainant F. F. Young has departed this life intestate and that his estate has been committed to C. E. Flanary Sheriff &c for administration. And on the motion of Said Flanary Sheriff and administrator as aforesaid Said Cause is revived in his name in which name it will hereafter be prosecuted to a conclusion. And thereupon this Cause came on this day to be heard upon the bill of the Complainant and exhibits therewith filed, and was argued by Counsel. On consideration of all which and it appearing to the Satisfaction of the Court that the Defendants Nelson Lunsford and Catherine Lunsford are properly before the Court by service of process for more than 15 days before the regular time calling of this Cause on the docket, and

Said defendants and each of them having failed to appear and plead, Answer demur or otherwise make defense within the time allowed by law and the rules of this Court therefore upon the motion of the Complainant by Counsel it is ordered, adjudged **and** decreed that Judgment pro Confesso be and the same is hereby taken and entered against them and the Cause set for hearing ex parte And it appearing to the satisfaction of the Court that this is a proper case for a reference to a commissioner it is therefore ordered, adjudged and decreed that M. G. Ely be and is hereby appointed a Comr who will take, State and ascertain, and report to this Court; 1st what liens if any exist against the land of the Said Catherine Lunsford and the beneficiaries therein, and the priorities of Said liens if any exist. 2nd what real estate the Said Catherine Lunsford owns and whether the rental Value thereof will pay in five years all liens encumbering the same Said Comr will report his action to the next term of this Court And this Cause is continued

A Copy Teste A B Munsey Clerk

Virginia

At a circuit Court continued
and held for Lee County at the Court-
house thereof Monday Nov 11th 1895.

F. T. Young for &c. Plff
against
Nelson & Catherine Lunsford Defts

In Chancery

This Cause came on again this
day to be heard upon the papers former-
ly read therein, and the report of Special
Commissioner M. G. Ely filed therein Oct
the 7th 1895; and exceptions thereto, and
was argued by Counsel. On consideration
of all which, and for reasons appearing
to the Court, said exceptions is sustained
as to the judgment lien reported by
said Commissioner in favor of
Walden & Wards Claim is hereby con-
firmed, and it is further adjudged
ordered and decreed that John M. Johnson
recover of Catherine Lunsford the sum
of \$587.61 with legal interest on \$521.82
apart thereof from Nov 10th 1895 till
paid; that South West Virginia Min-
eral Land Company recover from
said Catherine Lunsford the sum of
\$444.47 without interest. that F. T.
Young for the benefit of W. H. & Wm.

Nickels recover from said Catherine Lunsford the sum of \$267.96 with legal interest on \$208.44 from Nov 10th 1895 till paid; that W. S. Nickels & Son recover from said Catherine Lunsford the sum of \$63.37 with legal interest on \$47.53 apart thereof from the 10th day of Nov 1895 till paid; that W. B. Nickels recover from said Catherine Lunsford the sum of \$50.29 with legal interest on \$34.14 apart thereof from the 10th day of Nov 1895 till paid; that Sylvania Legg recover from said Catherine Lunsford the sum of \$87.25 with legal interest on \$77.75 from the 10th day of Nov 1895 till paid; and that said plaintiffs recover from said Catherine Lunsford the costs of this suit and if said several sums as above set out be not paid by the said Catherine Lunsford within 30 days from the going down of this decree then A. M. Goins who is hereby appointed a commissioner for the purpose will after advertising the time terms and place of sale for 30 days by written or printed notices posted at the front door of the Court house of this County and in the neighborhoods of said land and at such other places as he may think proper on some Court day at the front door of the Court house of this

County expose to Sale at public out
cry the lands of said Catherine Lunsford
as reported to belong to her by said Court
Ely. Court Goins will sell first the
tract of land belonging to the said
Catherine Lunsford known as the Ward
Mill property and out of the proceeds
thereof pay first the deed of trust reported
ed by Court Ely in favor of John
McJohnson and the residue of the
proceeds of the Sale of this property
he will apply to the judgment liens as
above set out and in the order of
priority as reported by said Court Ely
Said Court Goins will sell second
the tract of land belonging to said
Catherine Lunsford known as the moun-
tain tract and out of the proceeds of
this Sale he will pay the residue of the
above indebtedness which is a lien ~~and~~
thereon and not already discharged by
application of the funds arising from
the Sale of the first above tracts known
as the Ward Mill property and all the funds
arising from the Sale of these two tracts
remaining in said Court Goins hands
if anything there be after fully discharg-
ing the above indebtedness which is
ascertained to be liens thereon and the
costs of this suit he will pay over to the
said Catherine Lunsford. The said
Court Goins will sell said lands
on a credit of one and two years time
except a sum sufficient to pay the costs
of this suit and the commissions of

sale which sum he will require paid in hand, and for the deferred payments he will take bonds payable to himself as said Comr with interest from the day of sale with good and approved personal security. Said Comr goes before ~~enter~~ing upon the duties assigned to him by this decree will execute bond before the Clerk of this Court in the penal sum of \$1600.00 conditioned for the faithful performance of his duty as such Comr, and to account for all moneys that may come into his hands as Comr in this cause. he will report his action to a future Term of this Court, and this Cause is continued.

A Copy Lett. A B Munsey, Clk

F. J. Youngfor
Copy of Decree

Nelson & Catherine Luns-

Executed Dec 11-1893.
by delivering a
copy of the within
decree to A. M. Luns.
J. M. Weston Esq.
for Wm. P. Weston
S. G. C.

Copy for A. M. Luns
1.3.93

A. T. Young foret -
vs

Melrose & Catherine Lumsford

J. M. G. Ely as special commissioner in
the above styled Chancery cause, appointed
at the last term of the court, to ascertain
the time, priorities, to whom due, etc - do
solemnly swear, that as said commissioner
while sitting, I notified G. W. Blankenship one
of the attorneys for defendants, that I was
taking the account, and asked him
what he wanted done in the premises
he said that, they wanted nothing done
but would like for the land to rent
if it would to pay the debts, I further stated
that the windmill property owned by defendants
is situated in Lee county to the best of my information
and belief, This the 11th day of March
1895,

M. G. Ely
Affiant,

Sworn to before me, this 11th
day of March 1895.

D. C. Sewell

N. P.

1895
1895

J. J. Young & Co

25 Affidavit of M. G. Ely
Comm. &c

Nelson Lunsford & Catherine
Lunsford -

\$3321

\$3363

List of Liens against the lands of Nelson & Catharine, Lunsford.
And numbered respectively as they have priority.

1st	To deed of Trust in favor of John M. Johnson, Principal	\$800 00	
	" interest from 15th sept. 1892 to 15th day of Feb. 1895	116 00	
	Total		\$916 00
2nd.	To Judgment lien in favor of South West Virginia Mineral Land Company for costs.		\$44 47
3rd.	To Judgment lien in favor of F. T. Young for etc - Principal	\$208 44	
	" interest from 13th day of Oct. 1891 to 15th day of Feb. 1895	41 68	
	" costs at law -	8 56	
	Total		\$259 68
4th.	To Judgment lien in favor of W. B. Nichols & son, Principal	\$47 53	
	" interest from Jan. 10th 1893 to Feb. 15th 1895	5 98	
	" costs at Law -	7 96	
	Total - -		\$61 47
5th.	To Judgment lien in favor of W. B. Michel & Son Principal	\$34 14	
	" interest from 11th Nov. 1891 to Feb. 15th 1895	6 52	
	" costs at Law.	7 96	
	Total		\$48 62
6th	To Judgment lien in favor of W. Walden & John Ward Principal	25 00	
ant	" interest from 15th sept. 1893 to Feb. 15th 1895	2 00	
	" costs	1 25	
	Total		\$28 25
	Total amount of liens		\$1357 49
	To estimated costs of this suit		100 00
	Total - - -		\$1457 49

F. T. Young for etc
against Nelson & Catharine Lunsford
To the Honorable W. T. Miller Judge of the Circuit Court of Lee County.
Four undersigned Commissioners beg leave to

report that pursuant to a decree rendered in this
Cause at the last November term, that he on the
15th day of Feb 1895 and succeeding days proceeded to
ascertain 1st What liens if any exist against the lands of
the said Catherine Lunsford, the beneficiaries and
priorities, Ed 2nd What real estate the said Catherine
Lunsford owns and whether the rental value
thereof will pay in five years all liens encumbering
the same, And pursuant to the first-inquiry, your
Commissioner reports the liens hereto attached, said list is
here asked to be treated as part of this report, And
pursuant to 2nd inquiry your Commissioner
ascertained that Catherine Lunsford owns a
tract of land situated in the Wild Cat Valley known
as the Mill property, assigned to her in the division
of the Sam. Ward land, And your Commissioner
also ascertained that said land will not rent
for enough in five years to pay the liens
against the same, All of which is most
respectfully submitted,

M. G. Ely
Special Commissioner

It is desired to accept to the
above report for the following
reasons:

1. No notice was ever given by
the Court. of his sitting, and
defendant's material defence
to move are therefore greatly pre-
judiced; Court. does not even so state.
2. No evidence was taken by

Surtu

1 The Court, as a basis for his
2 conclusion as rental value,
3 even if defendant owns land
4 herein reported.

5 3. This court has no jurisdiction
6 over the land in the
7 report mentioned, as it does
8 not lie in Lee County as a
9 matter of fact, but Court does
10 not show where the same lies.

11 4. This report of lines is too
12 vague indefinite and uncertain
13 it not being shown where the above
14 judgments were recovered, nor where
15 the deed of trust report reported
16 is record, or whether record at
17 all.

18 This March 9, 1893.

19 Orr, Blankenship & Lewis,
20 P. O.

82 81 80 79 78 77 76 75 74 73 72 71 70 69 68 67 66 65 64 63 62 61 60 59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
H. T. Young & Co.

vs Commission Report

Nelson & Catharine Lunsford

Filed February the 21st
1895 A. B. Munsey, Clerk

I hereby certify that I was engaged
30 hours in taking this account and
charge for my services. \$22.50
M. G. Ely
Special Commissioner

Gate City Va 5/9/95

M. G. Ely Esq.,

Beech Spring, Va

Dear Sir:

There is yet due the following notes in favor of J. M. Johnson secured by deed off Mux from Nelson Linsford & wife to my self as trustee:

One note for \$266.⁰⁷ dated 15th Sept 1892 with interest from date Subject to cr. of \$5.92 as of 10th of November 1894—

One other note for \$266.⁰⁷ dated 15 Sept 1892 with interest from date—

Yours Truly

G. M. Edmunds

'Lustee'

VIRGINIA—LEE COUNTY, TO. WIT:

To H. L. Lantry Constable of said County:

I HEREBY COMMAND YOU TO SUMMON

Nelson Lunsford
Catherine Lunsford & Aaron Barker

If to be found in your District to appear at Joseph Barker in said county, on the 4 day of August 1894 before me or such other Justice of the said County, as may be there to try this warrant, to answer complaint of Sylvannia Leagy

Sylvannia Leagy and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$77.50 due by Note and then and there make return of this warrant.

Given under my hand the 26 day of July 1894.

Joseph Barker J. P.

Sylvannia Leagy
Nelson Lunsford } Against and
Catherine Lunsford and }
Aaron Barker }
On the 4 day of August 1894
(In debt.)
At my office in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$77.50 with interest thereon from the 1 day of February 1894, till paid, and an \$1.00 for costs.

Joseph B. Barker J. P.

VIRGINIA—Lee County, To wit: To H. L. Lantry Constable of said County. I command you

in the name of the Commonwealth of Virginia, that of the goods and chattles of Nelson Lunsford
Catherine Lunsford and
Aaron Barker in your county, you cause to be made the sum of \$77.50 with interest hereon from the 1 day of February 1894, till paid, which Sylvannia Leagy

Leagy has recovered before me in warrant in debt, and also the sum of \$1.00 which were adjudged to the said Sylvannia Leagy for costs in prosecuting said warrant. Given under my hand the 8 day of September 1894.

Joseph Barker J. P.

Received
Oct. 1, 1894

W. A. O'Jr

(75-5)

Sylvania

Legg, Warrant

Nelson, Lunsford

& Cothran, Lunsford

Haron, Callier

Excluded July 26, 94

on Nelson, Lunsford

& Cothran, Lunsford

Orley and Returick

H. S. Manning

Excluded and

no "C" entry

found

H. S. Manning

V. L. L.

W. H. Ely, Cur.

To C. E. Hlanay adn- of F. T. Young & Co^{etc}
And Nelson and Catharine Lunsford
You will take notice that I, the undersigned
Special Commissioner in the Chancery
cause of F. T. Young for the vs. Nelson and
Catharine Lunsford, will on the 2nd
day of Sept. 1895 - proceed to perform the
duties required of me by decrees entered in
this cause on the 17th day of Nov. 1894 and
March 13th 1895, to which decrees reference
is here made, I will proceed at my office
in the town of Jonesville. This July 27
1895.

M. H. Ealy

Special Commissioner

H. J. Young for etc.
vs. { Notice to take
acct,
Nelson and Catherine
Linsford

I accept service
of the within notice,
this 27 July, 1895,
A. M. Louis
att for
Peff.

Legal Service of
the within notice
accepted
for Nelson &
Catherine Linsford.
This July 27, 1895.
Orr, Blunk & Bigg
att

List of liens against The lands of Catharine
Lunsford and no, in the order of their respective priorities.

1st,	To deed of trust in favor of John, M. Johnson	\$521 86	
	" interest from Sept. 15 th 1892 to Nov. 10 th 1895		
	less a credit of \$45 ⁹² as of Nov. 10 th 1894	65 75	
	#		\$587.61
2nd,	To Judgment lien in favor of South West Virginia		
	Mineral Land Co, for costs		444.47
	#		
3rd,	To Judgment lien in favor of F. J. Yang & Co.	208 44	
	" interest from Oct. 13 th 1891. to Nov. 10 th 1895	50 96	
	" costs at Law	8 56	
	#		267.96
4 th ,	To Judgment lien in favor of W. H. Nichols & Son,	47 53	
	" interest from Jan. 10 th 1893 to Nov. 10 th 1895	8 08	
	" costs at Law	7 96	
	#		63.57
5 th ,	To Judgment lien in favor W. B. Nichols & Co.	34 14	
	" interest from Nov. 17 th 1891. to Nov. 10 th 1895	8 19	
	" costs at Law	7 96	
	#		50.29
6 th ,	To Judgment lien in favor of Walden & Ward	25 00	
no. out	" interest same from Sept. 15 th 1892 to Nov. 10 th 1895	3 23	
release Lunsford	" costs,	1 25	
	#		29.48
7 th ,	To Judgment lien in favor of Sylvia L. Legg	77 50,	
	" interest from Feb. 12 th 1894. to Nov. 10 th 1895	8 25	
	" costs.	1 50	
			87.25
	Total amount of liens	\$1130 63.	

Statement of Lines

F. J. Young for et c. Peffer

vs.

In Chy -

Nelson Ed Catharine Lunsford, depts

To The Honorable W. T. Miller Judge of
the Circuit Court of Lee County;

Your undersigned Special Commissioner
begs leave to report that pursuant to notice
hereto annexed that he on the 2nd day of
Sept. 1895, and on days succeeding, proceeded
to perform the duties required of him pursuant
to decrees entered in this cause, on the 17th,
day of Nov. 1894, and March 13th 1895;

Your Commissioner's 1st inquiry was: What liens
if any exist against the land of the said Catharine
Lunsford, to whom due and their priorities;
2nd. What real estate the said Catharine Lunsford
owns and whether the rental value thereof will
pay in five years all liens encumbering the same.
In answer to the first inquiry your commissioner
states that there are ^{several} ~~several~~ liens against the lands
of Catharine Lunsford. As is shown by a statement
filed herewith, marked "Statement of Liens" The first
lien is a deed of trust in favor of John M. Johnson
recorded in the County Court Clerk's Office of Lee County
Va. in Deed Book No. 28, Page 289, Said deed of trust
was executed originally to secure the payment of
\$800. but payments have been made thereon (see
letter of G. M. Edmunds, Trustee her file marked Trustee) and
there remains a balance still due of \$587⁶¹/₁₀₀ including
interest to Nov. 10th. 1895. This deed of trust only
covers the Ward mill property, which includes the mill
and about 8 acres adjoining. The second lien is
a Judgment for costs against Catharine Lunsford,
et al. in favor of "The South-west Virginia Mineral Land

Company said judgment was rendered in
The Circuit Court of Lee County and is duly
docketed in County Court Clerk's office in the Judgment
Book. The third line against Catherine Lunsford
lands is a judgment in favor of H. T. Young for the
which including the interest to Nov. 10th, 1895 -
and costs of judgment at law amounts to \$267.20.
This last named judgment I see from an endorsement
on a fi fa filed in this cause should be credited
with \$26³⁴ as of Nov. 18th, 1891. The fourth
line against the lands of Catherine Lunsford
is a judgment in favor of W. H. Nichols & Son,
which including the interest to Nov. 10th, 1895 -
and costs at law amounts to \$63⁵⁷. The fifth
line is a judgment in favor of W. B. Nichols & Co.,
which including the interest to Nov. 10th, 1895 -
and costs at law amounts to \$50²⁹. The 6th
judgment line is a judgment against Nelson
Lunsford only in favor of Holden Ed Ward which
amounts to \$29⁴⁸. Tax Commissioner ascertains
that Nelson Lunsford has no real estate himself -
except contingent right of dower in his wife's
lands. The 7th line is a judgment in favor of
Sylvania Legg which amounts to \$87.25 including
interest to Nov. 10th, 1895 and costs. All the aforesaid
judgments are duly docketed in the County Court
Clerk's office in the Judgment Book. except
The 7th line which has not been docketed.
Judgment lines 2, 3, 4 & 5, were judgments
rendered by the Circuit Court of Lee County.
And lines 6 & 7 were rendered before a
Justice of the Peace of Lee County. Judgment line
7th as here placed with this report marked "a".
The priorities of the aforesaid lines exist in the order

in which they are numbered from 1st to 7th,
respectively;

In answer to the second inquiry your commission
reports that Batham Lunsford is the owner
of two tracts of land lying in the Wildcat^{valley}
in Lee County Va. The 1st tract is known as
the Wood mill property and contains about
8 acres, the 2nd is known as the Mountain
tract and contains about 200. acres -
Your commission further ascertained from
the oral examination of witnesses that the
lands of Batham Lunsford would not
rent for more than \$50. per year if that,
therefore your commission reports that
the rental value of the said lands would
not in five years pay off and discharge the
liens encumbering the same.
All of which is respectfully submitted.

M. L. Ely

Specimen com.

33
32
31
30

J. J. Young for etc.

W. E. Report of Commission
M. H. Edg.

Nelson Ed Catharine Lunsford

Filed Oct the 7th 1895

W. B. Munroe
Clerk

\$ 237
22.50
\$ 47.50

Commission Fee. \$25.00

This report is excepted to in so far as it reports any lien against Nelson Lunsford, individually, as being a lien upon the lands of Catharine Lunsford, and because the Court fails to report in writing the evidence on which he acts as to the rental value of Catharine's land. Nov 11th 1895.

Onr. Blankenship & Co. for Defts

N. B. The decree appointing the Comm. does not require him to file the evidence upon which he acts - therefore it is not necessary. See Barton's Chancery Pr. Vol. 2, p 645.

S. M. Va Land Co. Cost -	✓	44.47
F. J. Young for VC, -	✓	237.69
Sylvania Lagg -	✓	88.05
		370.21
Cost as Taken -		80.54
		\$450.75
Commission on Sale -		10.00
		\$460.75

$\$370.21 = 2 \text{ notes - on } 1 \frac{1}{2} \text{ yrs}$
 $98.55 = \text{Costs + Commission}$

2/370.21

185.10 = on 12 mos,

185.11 = on 2 yrs,

with interest from date, which
is Jan 20, 1896 -

Memoranda.

1 = Judgment
 2 = " "
 3 = " "

~~65.94~~
 31.43
237.69

~~335.06~~
 88.05

423.11

Cost SH In

44.47

4675.8

98.55

~~566.13~~

65.94
 31.43

97.37

$$\begin{array}{r} 2 \overline{) 208.44} \\ 1.0422 \end{array}$$

$$\begin{array}{r} 208.44 \\ 1.04 \end{array}$$

$$\begin{array}{r} 209.44 \\ 26.34 \end{array}$$

$$\begin{array}{r} 183.10 \\ .06 \\ \hline 10.9860 \\ 4 \end{array}$$

$$\begin{array}{r} 43.9440 \\ 1.8310 \\ 21 \end{array}$$

$$\begin{array}{r} 45.98 \\ 183.10 \end{array}$$

$$\begin{array}{r} 229.08 \end{array}$$

$$\text{br } 26.34$$

$$\begin{array}{r} 1891 - 11 = 13 \\ 1891 - 10 = 13 \end{array}$$

$$\begin{array}{r} 13 \\ 1896 - 1 = 20 \\ 1891 - 11 = 13 \end{array}$$

$$\begin{array}{r} 4 - 2 = 7 \end{array}$$

$$\begin{array}{r} \frac{1}{5} \overline{) 915.5} \\ 1831 \\ 30 \\ \hline 21 \end{array}$$

$$\begin{array}{r} \$229.08 \\ 8.5-6 \end{array}$$

$$\begin{array}{r} \$237.64 \end{array}$$

Before June { Chas. Denny.
June Hing -
Kemp Leake -
Earl Willoughby -
Bill Hamblin -
==

Costs in Cases at Law
vs Lumsford -

// 7.96 -

9.04

8.56

1896-1-20

1892-10-31

$$\begin{array}{r} 50 \\ 31 \\ \hline 19 \end{array}$$

$$\begin{array}{r} 50 \\ 6 \\ \hline 12 \overline{) 300.25} \\ \underline{3} \\ 900 \quad 3 \overline{) 500} \\ \underline{50} \quad \underline{16} \\ 16 \end{array}$$

9.66

50.00

59.66

2.50

#6 216
100

#6 316

60.00

1316

F. T. Young for &c.

vs.

Nelson ^{and} Catherine Lunsford.

} In Chy.

To the Hon. W. F. Miller, Judge
of the Circuit Court for Lee County, Va.

Your undersigned Special
Commr., appointed by a decretal
order entered in the above styled
cause on the 11th day of Nov. 1895,
begs leave to report that he has
now complied in substance with
the provisions and requirements
of said decree, and his reasons
for ~~so doing~~ not doing so he
here states to be as follows:-

The defendants in said cause
came forward and paid the
costs of this suit &c.; paid
judgments 2, 3, & 7, as reported
by Commr. Ely in his report
filed in this cause on the 7th
day of Oct., 1895; and all costs
attending the same; produced
evidence before your Commr. which
satisfied him that the deed of
trust in favor of John M. Johnson,
reported by said Commr. Ely in
said report, has been fully paid;
and judgments 4 and 5, as re-

ported by said Court. Ely in said report, being against Nelson Lunsford individually, and not against Catherine Lunsford, are improper charges against her lands, (and the plaintiffs in said two last named judgments being present and acknowledging that they had no right to enforce the collection of said judgments against the lands of Catherine Lunsford, and making arrangements with the said Nelson Lunsford for the satisfaction of said judgments) your Court, under these circumstances, did not consider it proper for him to proceed with the sale.

Your Court. respectfully submits the facts as they exist &c. And reports &c.

A. M. Goins,
Special Court.

F. T. Young for &
vs Cour's Report

Nelson + Catherine
Lunsford

Filed Feb. 1st 1896
A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Nelson Sunsford

to appear at the Clerk's office of the Circuit Court of the county of Lee, at the court house on the

Third

Monday in

September

next to answer

W. B. Nickels and Wm Nickels mer-
chants and partners in trade under the style
and firm of W. B. Nickels & son

upon a plea of

debt on a bond for \$ 34.14 damages \$ 34.14

And have then there this writ. WITNESS, A. B. MUNSEY, Clerk of our said court, at the court house, the

24th

day of

August

1894,

and in the 11. 9th

year of the Commonwealth.

~~Attest~~ - Teste:

A. B. Munsey, Clerk.

A. M. Goins (Circuit

W. B. Nickelson

} Sums Debt

Nelson Lunsford

To 2nd Sept Rules 1894

Executed Sept
the 13th 1894

by Delivering
a true office
copy of the
within sume

to Nelson Lunsford
at 6 O'clock P. M.

L. M. Wade D. S. for

L. E. Glanary

S. L. C.

C 481
\$ 1.00
atty 250
Co 25
\$ 8.56

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That of the goods and chattles of

Nelson Sunsford
and *Catherine Sunsford*

in your bailiwick, you cause to be made \$208 ⁴⁴/₁₀₀ Two hundred and
eight dollars + forty four Cents
with interest at the rate of six per centum per annum from the 13th day of October 1891
until paid, which *F. S. Young for &c*

late in our Circuit Court of the County of Lee, ha S recovered against the said *Nelson Sunsford & Catherine Sunsford*, as well for a debt as interest thereon; also \$8.56
of Eight dollars and fifty six cents, which to the said
F. S. Young in the same court were adjudged for his costs
by him about his suit in that behalf expended, whereof the said *Sunsfords*
convict as appears to us of record. And how you shall execute this writ make known at the rules to be
holden in the clerk's office of our said Circuit court, on the 16th Monday in September
next. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 26th day of

June 1894, and in the 11th year of the Commonwealth.

A B Munsey Clerk

Not Executed
no property
found this
Aug the 18-1894
L. M. Wade D.S.
for C. E. Flannery
S. L. C.

E. B. No. 4 p. 168

F. J. Young for

vs. { FI. FA.
IN DEBT.

Nelson Lunsford et al

A. M. Goins p. q.

Came to hand Aug 7

1894, at 3 o'clock P.M.
C. E. Flannery S. L. C.

To 15th Sept Rules,
Circuit Court.

Jud. June 16 1894
O. B. No. 3 p. 387

Sacred Banner

Subject to a credit of \$26.34 the
amount of check for the 15th 1891

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Nelson Sunaford & Catherine Sunaford

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *October*, 1894, to answer a bill in Chancery,

exhibited against *them* in our said court by *F. I. Young* who

Sues for the benefit of W. H. Nickels & William Nickels partners in trade under the style and firm of W. H. Nickels & son

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

15th day of *September* 1894, and in the *119th* year of the

Commonwealth.

A. B. Munsey Clerk.

~~F. J. Young forth~~
~~H. H. Nicholson~~

vs.

{ SUPENA
IN CHANCERY.

Nelson Lunsford et al

A M Goins p. q.

To 1st October Rules,
Circuit Court.

Executed Sept the
17th 1894 by Delivering
a true copy of the
within sums to
Nelson Lunsford
& Catherine Lunsford
this Sept 27-1894
L. M. Wade D. S. for
C. E. Jelamany
S. S. L.